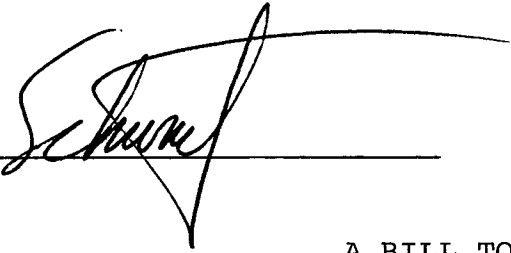


By



S.B. No. 863

A BILL TO BE ENTITLED

AN ACT

relating to the office of public interest of the Texas Department of Water Resources.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 5.181, Water Code, is amended to read as follows:

Sec. 5.181. PUBLIC INTEREST OFFICE. (a) There is created an office of public interest to assist the department in being responsive to the needs of the people and in promoting their interest. Public interest includes, but is not limited to, environmental quality as it relates to water and wastewater; consumer protection as it relates to the quality, cost and need of sewage treatment facilities; public participation as it relates to the right of the public to meaningfully participate in public hearings held under authority of the department; and, expeditious action as it relates to department processing of permit applications, inquiries, complaints and protests.

(b) The office shall be headed by a public interest advocate appointed by the governor with the advice and consent of the senate. The public interest advocate shall serve for a term of two years, and his or her term shall commence on September 1.

1 (c) The public interest advocate shall represent the public
2 interest as defined in this section and shall be a party to all
3 proceedings before the department. As an officer of the state as
4 that term is used in the constitution, he or she shall qualify by
5 taking the official oath of office.

6 (d) The public interest advocate may recommend to the Board
7 or the commission any rules or amendments to rules he or she con-
8 siderers necessary to promote the public interest.

9 (e) The public interest advocate may petition the Executive
10 Director to enforce the terms and conditions of any permit,
11 certified filing, certificate of adjudication, order, standard, or
12 rule by injunction or other appropriate remedy in a court of
13 competent jurisdiction.

14 (f) The public interest advocate may not appeal the rulings,
15 decisions or other acts of the board or commission but may file
16 motions for rehearing in furtherance of his or her responsibilities
17 under this section. Any motion for rehearing filed by the public
18 interest advocate shall be granted.

19 (g) The office of public interest shall operate under a
20 budget prepared by the public interest advocate with funds spe-
21 cifically provided for the office in the General Appropriations
22 Act. The public interest advocate may employ a staff for the
23 office, and the office shall have full access to and use of the
24 staff and records of the department in carrying out its functions
25 under this section.

1 Section 2. The importance of this legislation and the
2 crowded condition of the calendars in both houses create an
3 emergency and an imperative public necessity that the constitu-
4 tional rule requiring bills to be read on three separate days in
5 each house be suspended, and this rule is hereby suspended, and
6 that this Act take effect and be in force from and after its
7 passage, and it is so enacted.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 21, 1979

Honorable Chet Brooks, Chairman
Committee on Human Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 863
By: Schwartz

Sir:


In response to your request pursuant to Senate Rule 94, Subsection (g), this office finds the fiscal implications of Senate Bill No. 863 (relating to the office of public interest of the Texas Department of Water Resources) to be as follows:

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

| <u>Fiscal Year</u> | <u>Probable Cost Out of the General Revenue Fund</u> | <u>Change in Number of State Employees from FY 1979</u> |
|------------------------|--|---|
| 1980 | \$ 86,455 | + 3 |
| 1981 | 90,470 | + 3 |
| 1982 | 90,470 | + 3 |
| 1983 | 90,470 | + 3 |
| 1984 | 90,470 | + 3 |

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication or additional cost to units of local government attributable to the bill, should it be enacted, is anticipated.


Thomas M. Keel
Director

Source: Texas Department of Water Resources; LBB Staff

A BILL TO BE ENTITLED AN ACT

relating to the office of public interest of the Texas Department of Water Resources.

MAR 8 1979 Filed with the Secretary of the Senate
Read, referred to Committee on HUMAN RESOURCES
Reported favorably.
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
Ordered not printed.
Senate and Constitutional Rules to permit consideration suspended by
 { unanimous consent.
 _____ yeas, _____ nays.
To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.
Read second time and { ordered engrossed.
 passed to third reading.
Caption ordered amended to conform to body of bill.
Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas, _____ nays to place bill on third reading and final passage.
Read third time and passed by { a viva-voce vote.
 _____ yeas, _____ nays.

OTHER ACTION:

Secretary of the Senate

Engrossed

Sent to HOUSE

ENGROSSING CLERK

Received from the Senate

Read first time and referred to Committee on _____

Reported favorably amended, sent to Printer at _____

Printed and Distributed _____

Sent to Committee on Calendars _____

Read Second time (amended): passed to third reading (failed)
by (Non-Record Vote) Record Vote of _____ yeas, _____ nays

Present, not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas _____ nays _____ present not voting.

Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of _____ yeas _____ nays _____ present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

Chief Clerk of the House